

### **REMARKS**

Reconsideration of the subject application is respectfully requested.

#### **Change of Correspondence Address**

[[INSERT]]

#### **Status of the Claims**

Claims 1-20 are pending.

Claims 1, 2, 9 and 9-12 have been amended without prejudice.

Claims 6, 8 and 13-20 have been cancelled without prejudice.

New Claims 21-23 have been added without prejudice.

#### **Argument**

Claims 1, 6, 7, 8, 9, 10, 13, 18, 19 and 20 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Turpin (U.S. Pat. No. 3,351,959) in view of Brainerd (U.S. Pat. No. 5,033,563). Claims 2-5, 11, 12 and 14-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Turpin in view of Brainerd, and further in view of Fernie (U.S. Pat. No. 6,938,285). Applicant requests reconsideration and removal of these rejections for at least the following reasons.

#### ***Claim Amendments and New Claims***

Claim 1 has been amended to improve readability, and more clearly recite an embodiment of the present invention. More particularly, amended Claim 1 recites:

A stretcher supporter, comprising:  
a frame having a lifting arm;  
a center rail;  
a pair of substantially rigid generally arch shaped stretcher  
attachment elements, wherein each generally arched stretcher

attachment element has an apex formed with an opening that engages the center rail preventing rotation of the stretcher attachment element with respect to the center rail and wherein each generally arched stretcher attachment element has a pair of ends each positioned generally adjacent to a corner of a stretcher substantially longitudinally aligned with the center rail; and  
a generally T-shaped attachment mechanism including a column and an elongated sleeve generally perpendicularly mounted to the column, wherein the sleeve slideably engages the center rail such that the center rail is rotatably coupled to the frame lifting arm and substantially balances said stretcher with respect to said frame.

Support for amended Claim 1 may be found throughout the specification as originally filed, such that no new matter has been added. The following descriptions set forth exemplary reference characters and paragraphs in the specification where an embodiment of the present invention is illustrated or described. The identification of reference characters and paragraph numbers does not constitute a representation that any claim element is limited to the embodiment illustrated at the reference character or described in the referenced portion of the specification.

For example, such an embodiment is shown throughout the figures of the subject application. Figs. 1-6 illustrate such a frame (Fig. 1 has been reproduced for the Examiner's convenience).

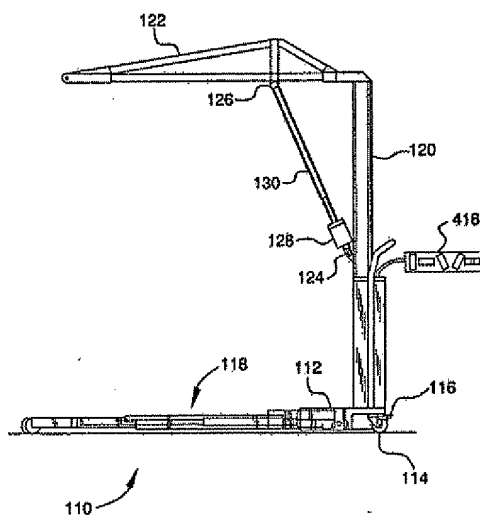
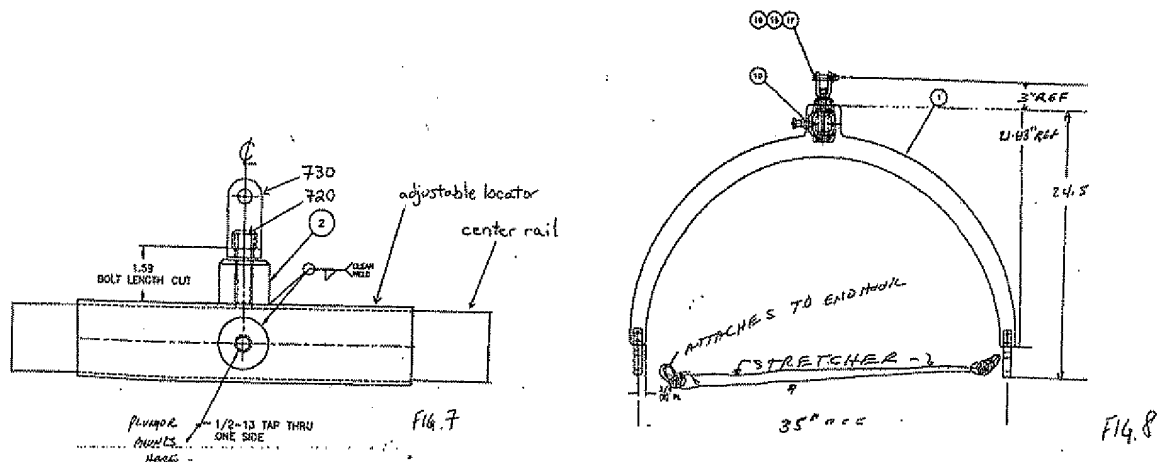


Fig. 8 illustrates such substantially rigid generally arch shaped stretcher attachment elements that engage a stretcher. Fig. 7 illustrates such a center rail and a generally T-shaped attachment

mechanism including a column and an elongated sleeve generally perpendicularly mounted to the column. Figs. 7 and 8 have been reproduced for the Examiner's convenience.



As can be seen in Fig. 8, each generally arched stretcher attachment element has an apex formed with an opening that engages the center rail preventing rotation of the stretcher attachment element with respect to the center rail (in the illustrated case due to the generally square geometry of the rail and aperture). As may be seen in Fig. 8, each generally arched stretcher attachment element has a pair of ends each positioned generally adjacent to a corner of a stretcher substantially longitudinally aligned with the center rail.

Additional support for amended Claim 1 may be found in the corresponding portions of the specification. For example, at paragraph [0047] of the published application, it is explained that the sleeve slides along the center rail, which may rotate freely. ("The adjustable locator 740 of the stretcher frame 700 assembly may attach to the lifting arm or rail via a U bracket 730. In such an embodiment, a central bolt 720 may extend through a hole in the bottom of the U bracket 730 and be tack welded to a sleeve portion, which sleeve may slide freely along the center rail. Thereby, free radial rotation at the lifting point for the stretcher frame 700 assembly may be provided.").

Such a configuration advantageously substantially balances the stretcher with respect to the frame. For example, as is discussed at paragraph [0049] of the published application, "if a

tilt or unevenness is detected when the stretcher is minimally lifted from its resting position, the stretcher may be lowered back to a resting position, and the adjustable locator may be repositioned toward the tilt sufficiently to remove the tilt or unevenness.”

Accordingly, no new matter has been added by the amendment of Claim 1. Claims 2, 7 and 9-12 have been amended for consistency with amended Claim 1. Accordingly, no new matter has been added by these amendments either.

New Claim 21 has been added herein. New Claim 21 analogously recites:

A device for lifting and lowering a person, comprising:  
an elongated member;  
a stretcher;  
at least two elongated arms extending outwardly from the elongated member and engaging the stretcher, wherein each arm is coupled to the elongated member so as to prevent rotation of the engaged stretcher with respect to the elongated member;  
a floor-standing frame; and  
an attachment mechanism suspending the elongated member from the floor-standing frame such that the elongated member is slideably and rotatably coupled to the floor-standing frame and substantially balances the engaged stretcher with respect to the floor-standing frame.

Accordingly, no new matter has been new Claim 21. New Claims 22-23 contain analogous limitations to those recited by Claims 2 and 3. Accordingly, no new matter has been added by new Claims 22 or 23 either.

***The Amended And New Claims Distinguish  
Over Turpin, Brainerd And Fernie***

Claims 1, 6, 7, 8, 9, 10, 13, 18, 19 and 20 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Turpin (U.S. Pat. No. 3,351,959) in view of Brainerd (U.S. Pat. No. 5,033,563). Claims 2-5, 11, 12 and 14-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Turpin in view of Brainerd, and further in view of Fernie (U.S. Pat. No.

6,938,285). Applicant requests reconsideration and removal of these rejections for at least the following reasons.

At the outset, it may be noted that Claim 1 is drawn to a stretcher supporter that permits a supported stretcher to be freely rotated in combination with a center rail longitudinally aligned therewith, while simultaneously removing the tilt or unevenness of the supported stretcher. For example, as discussed at paragraphs [0047] and [0049] of the published application, the sleeve slides along the center rail, which may rotate freely, such that “if a tilt or unevenness is detected when the stretcher is minimally lifted from its resting position, the stretcher may be lowered back to a resting position, and the adjustable locator may be repositioned toward the tilt sufficiently to remove the tilt or unevenness.”

Turpin and Brainerd fail, in any combination to teach or suggest any configuration that can balance a stretcher, so as to compensate for stretcher tilting for example -- no less the particularly recited configuration of either amended Claim 1 or new Claim 21.

For example, amended Claim 1 recites, *inter alia*, “a frame having a lifting arm”. The Office action argues Turpin shows a frame as tubular member 11 and bolt 12. *See, December 17, 2008 Office action, par. 3*. However, neither member 11 nor bolt 12 includes a lifting arm.

Amended Claim 1 recites, *inter alia*, “a center rail”, and “a stretcher substantially longitudinally aligned with the center rail.” Turpin shows a seat having side arms perpendicular to, rather than aligned with, tubular member 11.<sup>1</sup>

Amended Claim 1 recites, *inter alia*, “a pair of substantially rigid generally arch shaped stretcher attachment elements ... [each having] an opening that engages the center rail preventing rotation of the stretcher attachment element with respect to the center rail.” The Office action argues Brainerd discloses arched stretcher attachment elements 13 and center rail 12. *See, December 17, 2008 Office action, par. 3*. However, as is shown in Figs. 1 and 2 of Brainerd, for example, yokes 13 have no openings that engage elongated member 12.

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<sup>1</sup> It may also be noted frame and center rail are recited as separate elements in amended Claim 1.

Further, amended Claim 1 recites, *inter alia*, that “each generally arched stretcher attachment element has a pair of ends each positioned generally adjacent to a corner of a stretcher substantially longitudinally aligned with the center rail.” However, as may be seen in Fig. 1 of Brainerd, only one of yokes 13 thereof has ends positioned generally adjacent to corners of a stretcher. Instead, the other yoke 13 has ends positioned roughly proximate a center of the stretcher.

Amended Claim 1 also recites, *inter alia*, “a generally T-shaped attachment mechanism including a column and an elongated sleeve generally perpendicularly mounted to the column, wherein the sleeve slideably engages the center rail such that the center rail is rotatably coupled to the frame lifting arm and substantially balances said stretcher with respect to said frame.” Neither Turpin nor Brainerd anywhere teaches or suggests any sleeve that slideably engages the center rail at all, no less such that the center rail is rotatably coupled to the frame lifting arm and substantially balances said stretcher with respect to said frame.

Fernie fails to remedy these shortcomings of Turpin and Brainerd, at least by virtue that Fernie is relied upon in the asserted rejections solely for its purported plunger teachings. *See, December 17, 2008 Office action, par. 4.*

Accordingly, Applicant submits Claim 1 is patentably distinct over the teachings of Turpin, Brainerd and Fernie, in any combination, at least by virtue that these references fail, in any combination, to teach or suggest each of the recited limitations of Claim 1. Applicant also submits Claims 2-5, 7 and 9-12 also patentably distinguish over the combined teachings of Turpin, Brainerd and Fernie, at least by virtue of these claims’ ultimate dependency upon a patentably distinct base Claim 1.

Analogously, Claim 21 recites, *inter alia*, “an attachment mechanism suspending the elongated member from the floor-standing frame such that the elongated member is slideably and rotatably coupled to the floor-standing frame and substantially balances the engaged stretcher with respect to the floor-standing frame.” Accordingly, Applicant respectfully submits Claim 21 also patentably distinguishes over Turpin and Brainerd, and Turpin and Brainerd fail in

any combination to teach or suggest such a mechanism. Applicant also submits Claims 22 and 23 also patentably distinguish over the teachings of Turpin and Brainerd, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 21.

### **Conclusion**

Wherefore, Applicant believes he has addressed all outstanding grounds raised by the Examiner and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

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Respectfully submitted,

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